

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ONLINE NEWS LINK LLC,

Plaintiff,

V.

APPLE INC., DOW JONES & COMPANY, INC., INVESTOR'S BUSINESS DAILY, INC., FORBES MEDIA LLC, FORBES.COM INC., THESTREET.COM, INC., MORNINGSTAR, INC., A. H. BELO CORPORATION, and THE DALLAS MORNING NEWS, INC.,

Defendants.

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff ONLINE NEWS LINK LLC files this Original Complaint against the above-named Defendants, alleging as follows:

I. THE PARTIES

1. Plaintiff ONLINE NEWS LINK LLC (“Online News Link”) is a Texas limited liability company. Online News Link’s principal place of business is located in Newport Beach, California.

2. Defendant APPLE INC. (“Apple”) is a California corporation with its principal place of business in Cupertino, California. Apple may be served with process through its registered agent, C T Corporation System, 350 N. St. Paul Street, Dallas, Texas, 75201.

3. Defendant DOW JONES & COMPANY, INC. (“Dow Jones”) is a Delaware corporation with its principal place of business in New York, New York. Dow Jones may be served

with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

4. Defendant INVESTOR'S BUSINESS DAILY, INC. ("IBD") is a California corporation with its principal place of business in Los Angeles, California. IBD may be served with process through its registered agent, C T Corporation System, 350 N. St. Paul Street, Dallas, Texas, 75201.

5. Defendant FORBES MEDIA LLC ("Forbes Media") and Defendant FORBES.COM LLC ("Forbes.com") are Delaware limited liability companies, each with its principal place of business in New York, New York. Forbes Media and Forbes.com may be served with process through their registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801. Defendants Forbes Media and Forbes.com are referred to collectively herein as "Forbes."

6. Defendant THESTREET.COM, INC. ("thestreet.com") is a Delaware corporation with its principal place of business located in New York, New York. thestreet.com may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

7. Defendant MORNINGSTAR, INC. ("Morningstar") is an Illinois corporation with its principal place of business in Chicago, Illinois. Morningstar may be served with process through its registered agent, Illinois Corporation Service Company, 801 Adlai Stevenson Drive, Springfield, Illinois, 62703.

8. Defendant A. H. BELO CORPORATION ("A. H. Belo") and Defendant THE DALLAS MORNING NEWS, INC. ("DMN") are Delaware corporations with their principal place of business in Dallas, Texas. A.H. Belo and DMN may be served with process through their

registered agent, C T Corporation System, 350 North St. Paul St., Dallas, TX 75201. Defendants A.H. Belo and DMN are referred to collectively herein as "Belo."

II. JURISDICTION AND VENUE

9. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under Title 28 U.S.C. §1331 and §1338(a).

10. This Court has personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b). Each Defendant has substantial contacts with the forum as a result of pervasive business activities conducted within the State of Texas and within the Marshall Division of this District, including but not limited to the sale and distribution of various products/systems and the provision of services relating to those products/systems. Each Defendant has committed and continues to commit acts of patent infringement, directly and/or through agents and intermediaries, by offering for sale, selling, and distributing certain infringing products, services, and systems in Texas and, particularly, the Eastern District of Texas. Each Defendant has purposefully and voluntarily placed one or more of its infringing products, services, and systems into the stream of commerce with the expectation that they will be purchased (or acquired) and used by consumers in this District, which products, services, and systems have been, and continue to be, purchased (or acquired) and used by consumers in this District. Further, Defendants Apple, IBD and Belo are specifically registered with the Texas Secretary of State to conduct business here.

11. In addition to the foregoing, Defendant Apple owns and operates Apple stores in this District and elsewhere in Texas where Apple sells its products and services. Apple maintains a corporate facility in this State. And Apple has availed itself of this forum in the past by bringing and litigating lawsuits.

12. Defendant Dow Jones owns and operates printing plants in Texas, including at least one in this District. Dow Jones maintains three news bureaus in Texas. And Dow Jones broadcasts various syndicated radio shows throughout the State, including through multiple radio stations located in this District.

13. Defendant Belo is headquartered in Texas, and at least one Belo subsidiary is a Texas corporation based in this District. Belo owns and operates several facilities in Texas, including the main printing and distribution facility for its Dallas Morning News publication, which is located in this District. And Belo owns, operates, and houses servers for various online news sources in Texas, including at least one such news source based in this District.

III. PATENT INFRINGEMENT

14. On March 24, 2009, United States Patent No. 7,508,789 ("the '789 patent") was duly and legally issued for an "Information Distribution and Processing System." A true and correct copy of the '789 patent is attached hereto as Exhibit "A" and made a part hereof.

15. Online News Link is the owner of the '789 patent with the exclusive right to enforce the '789 patent against infringers, and collect damages for all relevant times, including the right to prosecute this action.

16. Upon information and belief, Defendants manufacture, make, have made, use, practice, import, provide, supply, distribute, sell, and/or offer for sale products and/or systems that infringe one or more claims in the '789 patent; and/or Defendants induce and/or contribute to the infringement of one or more of the claims in the '789 patent by others.

17. Defendant Apple infringes, either directly or indirectly, through its operation of iTunes and the email and Web-based products, systems, and services offered via iTunes.

18. Defendant Dow Jones infringes, either directly or indirectly, via products, systems, and/or services offered on the Websites, www.wjs.com, www.marketwatch.com, and www.barrons.com.

19. Defendant Forbes infringes, either directly or indirectly, via products, systems, and/or services offered on the Website, www.forbes.com.

20. Defendant IBD infringes, either directly or indirectly, via products, systems, and/or services offered on the Website, www.investors.com.

21. Defendant thestreet.com infringes, either directly or indirectly, via products, systems, and/or services offered on the Website, www.thestreet.com.

22. Defendant Belo infringes, either directly or indirectly, via products, systems, and/or services offered on the Website, www.dallasnews.com.

23. Online News Link has been damaged as a result of Defendants' infringing conduct. Defendants are, thus, liable to Online News Link in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

IV. JURY DEMAND

Online News Link hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

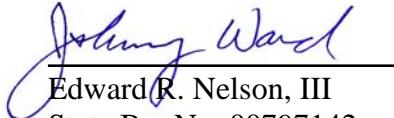
Online News Link respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Online News Link the following relief:

a. Judgment that one or more claims of United States Patent No. 7,508,789 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;

- b. Judgment that Defendants account for and pay to Online News Link all damages to and costs incurred by Online News Link because of Defendants' infringing activities and other conduct complained of herein;
- c. That Online News Link be granted pre-judgment and post judgment interest on the damages caused to by Defendants' infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award Online News Link its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Online News Link be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: October 8, 2009.

Respectfully submitted,



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